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24 ELECTRIC SOLIDUS, INC. d/b/a SWAN BITCOIN

25 **UNITED STATES DISTRICT COURT**
26 **CENTRAL DISTRICT OF CALIFORNIA**
27 **WESTERN DIVISION**

28 ELECTRIC SOLIDUS, INC. d/b/a
19 SWAN BITCOIN, a Delaware
corporation,

20 Plaintiff

21 v.

22 PROTON MANAGEMENT LTD., a
23 British Virgin Islands corporation;
24 THOMAS PATRICK FURLONG;
25 ILLIOS CORP., a California corporation;
MICHAEL ALEXANDER HOLMES;
RAFAEL DIAS MONTELEONE;
SANTHIRAN NAIDOO; ENRIQUE
ROMUALDEZ; and LUCAS
VASCONCELOS,

26 Defendants.

Case No. 2:24-cv-8280-MWC-E

**STATEMENT REGARDING
SWAN'S MOTION TO COMPEL
TARGETED DISCOVERY
(DKT. 177)**

DISCOVERY MATTER

Hearing Date: May 16, 2025
Time: 9:30 a.m.
Place: Courtroom 750, 7th Fl.
Judge: Hon. Charles F. Eick

Discovery Cutoff: November 7, 2025
Pre-Trial Conf. Date: April 26, 2026
Trial Date: May 4, 2026

1 Swan respectfully requests leave to submit this brief update and correction of
2 the record regarding its pending motion to compel, Dkt. 177. In Proton's original
3 submission (Dkt. 176-1 at 4-5, 86) and again in its supplemental memorandum from
4 Friday night (Dkt. 198 at 2), Proton stated that Swan's motion was moot because
5 Proton agreed to produce documents in response to Swan's first set of discovery
6 requests. During an April 18 videoconference, Proton initially told Swan it would
7 begin producing documents last week, which Proton then deferred to this week. *See*
8 Dkt. 195-2 at 2. Proton still has not produced any documents. Instead, this
9 morning, Proton informed Swan that it would not produce documents unless Swan
10 made a significant substantive concession—that Swan would not argue that
11 Proton's further engagement in discovery establishes a waiver of any right it may
12 have had to arbitrate its claims. *See* Ex. 1.

13 Swan should not be required to make prejudicial and newly-imposed
14 concessions as a condition for receiving discovery, and so now it appears that Proton
15 will not, in fact, be producing responsive documents, which it had previously agreed
16 to produce, absent a Court order. *Cf. Lyman v. Greyhound Lines, Inc.*, 2022 WL
17 772752, at *11 n.3 (D.S.C. Mar. 14, 2022) (“Greyhound indicated its intent to
18 comply and thus avoided a written order from this court on the issue. Greyhound’s
19 about-face on its representation of compliance and attempt to later re-raise those
20 objections were entirely inappropriate, a waste of party and judicial resources, and
21 just one example of the undue delay it has effectuated on the discovery
22 process.”). Moreover, Proton chose not to move to compel arbitration at the outset
23 of the litigation but rather strategically staged its motions to delay the case and
24 multiply proceedings. Such tactics should not be countenanced. *See, e.g.*,
25 *Honeywell Int'l, Inc. v. W. Support Grp.*, 2013 WL 2369919, at *4 (D. Ariz. May
26 29, 2013) (“Defendants will not be permitted to circumvent this Court’s previous
27 discovery rulings and to hold discovery in this case hostage until the Court can rule
28 on a Motion for Judgment on the Pleadings that could have been filed at any point

1 in the previous year and that is not yet fully briefed.”). And in any event, Proton’s
2 situation does not give it license to tell the Court it was going to produce documents,
3 when in fact it was imposing new conditions on that production. The Court should
4 order Proton to produce documents responsive to Swan’s discovery requests by May
5 9, 2025.

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1 DATED: May 5, 2025

2 QUINN EMANUEL URQUHART &
3 SULLIVAN, LLP

4 By: /s/ Ryan S. Landes

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